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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,533	12/28/2000	Robert Adams	PM 0273215 P9895	6958

7590 06/02/2004

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Los Angeles, CA 90025

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,533

Applicant(s)

ADAMS ET AL.

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/948,708. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the elements of the invention claimed in the present application are also claimed in claims 1-30 of 09/948,708.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-12, 14-18, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,141,686 to Jackowski et al..
5. Jackowski teaches the invention (as claimed in exemplary claim 16) including a communications system having a shared resource, comprising: a computer-readable medium; and computer-readable program code, stored on the computer-readable medium, adapted to be loaded and executed on the communications system, the computer-readable code performing, monitoring communications to and from a user (col. 7, lines 1-30), determining social network data from the communications to and from the user (col. 7, lines 1-30), determining an access level for the user based on the social network data (col. 9, lines 3-35), and configuring an access control list to provide the user the access level determined for accessing the shared resource (col. 9, lines 3-35).
6. Jackowski teaches a communications system (as in claim 17) wherein the communications are e-mail communications (col. 17, lines 28-32).
7. Jackowski teaches a communications system (as in claim 18) wherein the social network data includes resources attached to the communications (col. 9, lines 3-35).
8. Jackowski teaches a communications system (as in claim 20) wherein the access control list includes a user identification and the access level for the user (col. 7, lines 1-30).
9. Jackowski teaches a communications system (as in claim 21) wherein the resource is a computer system (col. 7, lines 1-30).

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10. As to claims 1-3 and 5-6, they feature the same limitations as claims 16-18 and 20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

11. As to claims 7, 11-12, and 14-15, they feature the same limitations as claims 16-18 and 20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

12. As to claim 8, Jackowski teaches a social network including a shared resource provider to provide to the user access to the shared resource based on the access control list (col. 7, lines 1-30).

13. As to claim 9, Jackowski teaches a social network wherein the social network monitor and the social network access controller reside on a single system (col. 7, lines 1-30).

14. As to claim 10, Jackowski teaches a social network wherein the social network monitor and the social network access controller reside on separate systems (col. 7, lines 1-30).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,141,686 to Jackowski et al. in view of U.S. Patent Number 6,044,466 to Anand et al..

17. As to claim 19, Jackowski teaches the subject matter of claim 16; however Jackowski does not teach the access level as being permissions.

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Anand teaches a dynamic access policy including permissions information (col. 5, lines 1-16).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Jackowski regarding managing the access of user's to a system with the teachings of Anand regarding a dynamic access policy including permissions because permission prevent unauthorized access to resources (Anand, col. 1, lines 37-42).

18. As to claims 4 and 13, they feature the same limitations as claim 19 and are rejected for the same reasons as claim 19.

Conclusion

19. It is suggested that subject matter of the first paragraph of page 7 describing how different weights are assigned to keywords using, so that certain keywords may have higher weights than other thus leading to higher access levels and the subject matter of page 10 describing how the access control lists are monitored continuously be added to the claims to better describe the invention and to better distinguish the claimed invention from the prior art.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

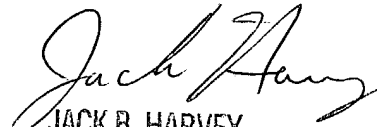
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER